

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Ina Steiner,  
David Steiner,  
Steiner Associates, LLC,  
*(Publisher of EcommerceBytes)*  
Plaintiffs

vs.

eBay, Inc.,  
Progressive F.O.R.C.E. Concepts, LLC  
Devin Wenig,  
Steve Wymer,  
Wendy Jones,  
Steve Krystek,  
Jim Baugh,  
David Harville,  
Brian Gilbert,  
Stephanie Popp,  
Stephanie Stockwell,  
Veronica Zea,  
Philip Cooke,  
John and Jane DOE,  
Defendants

CASE NO: 1:21-cv-11181-PBS

**DEFENDANT BRIAN  
GILBERT'S ANSWER TO  
FIRST AMENDED  
COMPLAINT**

**INTRODUCTION**

1. This paragraph contains solely introductory material and/or legal conclusions that do not warrant a responsive pleading. To the extent a response is deemed required, Defendant Gilbert denies the allegations contained in this paragraph.
2. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

3. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

4. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

5. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

6. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

7. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

8. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

9. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

10. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him. Otherwise, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

11. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

12. Admitted that Defendant Gilbert pled guilty to the Information referenced in Paragraph 12 of the Amended Complaint.

13. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint.

14. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint.

15. Paragraph 15 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint.

16. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint.

17. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint.

18. This paragraph contains solely introductory material and/or legal conclusions that do not warrant a responsive pleading. To the extent a response is deemed required, Defendant Gilbert denies the allegations contained in this paragraph.

#### **JURISDICTION AND VENUE**

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

#### **THE PARTIES**

23. Defendant Gilbert admits that the Steiners own a home in Natick, Massachusetts.

Answering further, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph of the Complaint.

24. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

25. Admitted.

26. Defendant Gilbert admits the allegations contained in the first sentence in this paragraph of the Amended Complaint. Answering further, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph of the Amended Complaint.

27. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

28. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

29. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

30. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

31. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

32. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him. Further answering, Defendant Gilbert states that the criminal case docket for Defendant Jim Baugh reflects the sentence imposed.

33. Denied that Defendant Gilbert was responsible for executive protection. Otherwise, admitted.

34. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him. Further answering, Defendant Gilbert states that the criminal case docket for Defendant Stephanie Popp reflects the sentence imposed.

35. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him. Further answering, Defendant Gilbert states that the criminal case docket for Defendant Stephanie Stockwell reflects the sentence imposed.

36. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him. Further answering, Defendant Gilbert states that the criminal case docket for Defendant David Harville reflects the sentence imposed.

37. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him. Further answering, Defendant Gilbert states that the criminal case docket for Defendant Phillip Cooke reflects the sentence imposed.

38. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him. Further answering, Defendant Gilbert states that the criminal case docket for Defendant Veronica Zea reflects the sentence imposed.

39. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Complaint.

40. Defendant Gilbert admits the first, second and fourth sentences in this paragraph of the Amended Complaint and denies the third sentence in this paragraph of the Amended Complaint.

41. Paragraph 41 states a legal conclusion to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Complaint.

### **THE FACTS**

42. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

43. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

44. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

45. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

46. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

47. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

48. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

49. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

50. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

51. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

52. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

53. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

54. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

55. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

56. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

57. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

58. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

59. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

60. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

61. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

62. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

63. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

64. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

65. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

66. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

67. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

68. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

69. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

70. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

71. Admitted that Defendant Baugh told Gilbert that the Steiners were working with Fidomaster. Otherwise, denied.

72. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

73. Admitted that Defendant Gilbert flew to Boston and drove to the Steiners' home in Natick, Massachusetts. Otherwise, denied.

74. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.



75. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

76. Defendant Gilbert denies the allegations contained in this paragraph of the Complaint.

77. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

78. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

79. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

80. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

81. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

82. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

83. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

84. Defendant Gilbert denies the allegations contained in this paragraph as they may apply to him. Answering further, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph of the Amended Complaint.

85. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

86. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

87. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

88. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

89. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

90. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

91. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

92. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

93. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

94. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

95. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they pertain to him.

96. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they pertain to him.

97. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

98. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they pertain to him.

99. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

100. Defendant Gilbert admits that he pled guilty before the United States District Court for the District of Massachusetts under docket number 1:20-cr-10098-WGY. Further answering, Defendant Gilbert denies the allegations in this paragraph of the Amended Complaint as they may pertain to him, and neither admit nor denies the allegations in this paragraph of the Amended Complaint that summarize publicly available change of plea proceedings in which Defendant Gilbert did not participate concerning other defendants named in the Amended Complaint.

101. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

102. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

103. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

104. Admitted that Defendants discussed Twitter messages through WhatsApp. Otherwise, denied.

105. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

106. Admitted.

107. Admitted.

108. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

109. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

110. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

111. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

112. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

113. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

114. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

115. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

116. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

117. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

118. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

119. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

120. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

121. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

122. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

123. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

124. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

125. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

126. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

127. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

128. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

129. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

130. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

131. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

132. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

133. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

134. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

135. Paragraph 135 sets forth a legal conclusion to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

136. Defendant Gilbert denies the first and third sentences of this paragraph of the Amended Complaint. Answering further, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of this paragraph of the Amended Complaint.

137. Defendant Gilbert admits to discussing whether to install a GPS device on the Steiners' vehicle. Further answering, Defendant Gilbert denies the remainder of the allegations in this paragraph of the Amended Complaint as they may pertain to him.

138. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

139. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

140. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

141. Admitted that Defendant Gilbert notified Defendant Baugh of the make and model of the Steiners' car. Further admitted that Defendant Gilbert knew the make and model of the Steiners' vehicle based on personal observation. Otherwise, denied.

142. Paragraph 142 sets forth legal conclusions to which no response is necessary. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

143. Defendant Gilbert is not responding to the allegations in this paragraph of the Amended Complaint because they do not pertain to him.

144. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

145. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

146. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

147. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

148. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

149. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

150. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

151. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

152. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

153. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

154. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

155. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

156. Paragraph 156 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

157. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

158. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.



159. Defendant Gilbert denies the first sentence of this paragraph of the Amended Complaint. Answering further, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of this paragraph of the Amended Complaint.

160. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

161. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

162. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

163. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

164. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

165. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

166. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

167. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

168. Paragraph 168 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

169. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

170. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

171. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

172. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

173. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

174. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

175. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

176. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

177. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

178. Defendant Gilbert neither admits nor denies the allegations contained in this paragraph of the Amended Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves.

179. Defendant Gilbert neither admits nor denies the allegations contained in this paragraph of the Amended Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves.

180. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

181. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

182. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

183. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

184. Paragraph 184 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

185. Defendant Gilbert neither admits nor denies the allegations contained in this paragraph of the Amended Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves.

186. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

187. Defendant Gilbert admits that Defendant Popp posted the Steiners' address on Twitter. Otherwise, denied.

188. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

189. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

190. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

191. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

192. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

193. Defendant Gilbert denies the allegations contained in the first sentence of this paragraph of the Amended Complaint as they may pertain to him. Answering further, Defendant Gilbert neither admits nor denies the allegations contained in this paragraph of the Amended Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves.

194. Defendant Gilbert admits the first and second sentences contained in this paragraph of the Amended Complaint. Otherwise, denied.

195. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

196. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

197. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

198. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

199. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

200. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

201. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

202. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

203. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

204. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

205. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

206. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

207. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

208. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

209. Defendant Gilbert denies the allegations in this paragraph of the Amended Complaint as they may pertain to him. Defendant Gilbert denies knowledge or information sufficient to form a

belief as to the truth of the allegations in this paragraph of the Amended Complaint concerning the Steiners.

210. Defendant Gilbert neither admits nor denies the allegations in this paragraph of the Amended Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves. Defendant Gilbert denies the allegations in this paragraph of the Amended Complaint as they may pertain to him.

211. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

212. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

213. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

214. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

215. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

216. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

217. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

218. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

219. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

220. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

221. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

222. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

223. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

224. Defendant Gilbert neither admits nor denies the allegations contained in this paragraph of the Amended Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves.

225. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

226. Admitted that Defendant Gilbert sent the text message as alleged. Defendant Gilbert denies the remaining allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

227. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

228. Defendant Gilbert neither admits nor denies the allegations contained in this paragraph of the Amended Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves.

229. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

230. Defendant Gilbert neither admits nor denies the allegations in this paragraph of the Amended Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves,

231. Defendant Gilbert is not responding to the allegations in this paragraph of the Amended Complaint because they do not pertain to him.

232. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

233. Admitted that Defendant Gilbert sent the text message as alleged. Otherwise, denied.

234. Defendant Gilbert is not responding to the allegations in this paragraph of the Amended Complaint because they do not pertain to him.

235. Admitted that Defendant Gilbert sent the text message as alleged. Otherwise, denied.

236. Admitted that Defendant Gilbert sent the text message as alleged. Otherwise, denied.

237. Admitted that Defendant Popp sent Defendant Gilbert a list of Bay Area POIs. Otherwise denied.

238. Admitted that Defendant Gilbert had a discussion with Defendant Cooke about contacting San Jose Police if NPD contacted them. Otherwise, denied.

239. Admitted that Defendant Gilbert sent the message as alleged. Otherwise, denied.

240. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

241. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.



242. Admitted that a conversation took place as alleged. Otherwise, denied.

243. Admitted that a conversation took place as alleged. Otherwise, denied.

244. Paragraph 244 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

245. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

246. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

247. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

248. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

249. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

250. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

251. Admitted.

252. Admitted.

253. Admitted that Defendant Gilbert told investigators that Defendant Harville and Zea travelled to Boston to attend a conference. Otherwise, denied.

254. Admitted that a conversation took place as alleged. Otherwise, denied.

255. Admitted that Defendant Gilbert offered eBay's assistance with the investigation.

Otherwise, denied.

256. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

257. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

258. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

259. Defendant Gilbert admits receiving this text message from Defendant Baugh.

260. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

261. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

262. Paragraph 262 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

263. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

264. Admitted.

265. Admitted.

266. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

267. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

268. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

269. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

270. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

271. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

272. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

273. Admitted that Defendant Gilbert deleted WhatsApp messages on his phone on August 26, 2019. Otherwise, denied.

274. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

275. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

276. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

277. Admitted that Defendant Gilbert overheard the interview that took place between Defendant Popp and the Ebay legal department. Otherwise, denied.

278. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

279. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

280. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

281. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

282. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

283. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

284. Admitted as to Defendant Gilbert. Answering further, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph of the Amended Complaint.

285. Admitted that Defendant Gilbert went to Defendant Baugh's house after his termination. Otherwise, denied.

286. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

287. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

288. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

289. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

290. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

291. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

292. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

293. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

294. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

295. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

296. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

297. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

298. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

299. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

300. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

301. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

302. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

303. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

304. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

305. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

306. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

307. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

308. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

309. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

310. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

311. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

312. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

313. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

314. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

315. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

316. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

317. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

318. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

319. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

320. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

321. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

322. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

323. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

324. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

325. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

326. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

327. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

328. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

329. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

330. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

331. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

332. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.



333. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

334. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

335. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

336. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

337. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him. Answering further, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of this paragraph of the Amended Complaint.

338. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

339. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

340. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

341. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

342. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

343. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

344. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

345. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

346. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

347. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

348. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

349. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

350. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

351. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

352. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

353. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

354. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

355. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

356. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

357. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

358. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

359. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

360. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

361. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

362. Admitted.

363. Admitted.

364. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

365. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

366. Admitted that Defendant Gilbert pled guilty at a later date to conspiracy to commit cyberstalking and conspiracy to commit witness tampering. Answering further, Defendant Gilbert neither admits nor denies the remaining allegations contained in this paragraph of the Amended Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves.

367. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

368. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

369. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

370. Defendant Gilbert neither admits nor denies the remaining allegations contained in this paragraph of the Amended Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves.

371. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

372. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

373. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

374. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

375. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

376. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

377. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

378. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

379. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint that may pertain to him. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph of the Amended Complaint.

380. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint that may pertain to him.

381. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint that may pertain to him.

382. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint that may pertain to him. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph of the Amended Complaint.

383. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

384. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

385. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

386. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

387. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

388. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

389. Paragraph 389 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint that may pertain to him.

390. Paragraph 390 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint that may pertain to him.

391. Paragraph 391 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint that may pertain to him.

392. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

393. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

394. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

395. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

396. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

397. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

398. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

399. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

400. Defendant Gilbert denies the allegations contained in this paragraph that may pertain to him. Otherwise, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph of the Amended Complaint.

401. Paragraph 401 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they pertain to him.

402. Paragraph 402 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they pertain to him.

403. Paragraph 403 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they pertain to him.

404. Paragraph 404 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they pertain to him.

405. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

## **CAUSES OF ACTION**

### **COUNT I: INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS (All Defendants)**

406. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 405 above and incorporates them by reference herein.

407. Paragraph 407 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

408. Paragraph 408 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

409. Paragraph 409 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

410. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.



411. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint that may pertain to him.

412. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint that may pertain to him.

413. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint that may pertain to him.

414. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

415. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint that may pertain to him.

416. Paragraph 416 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

417. Defendant Gilbert denies that the Plaintiffs are entitled to any damages against him.

418. Paragraph 418 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

**COUNT II: STALKING**  
**(All Defendants)**

419. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 418 above and incorporates them by reference herein.

420. Paragraph 420 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

421. Paragraph 421 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

422. Defendant Gilbert neither admits nor denies the allegations contained in this paragraph of the Amended Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves.

423. Paragraph 423 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

424. Admitted that Defendant Gilbert surveilled the Plaintiffs at their home in Natick, Massachusetts only in June 2019. Otherwise, denied.

425. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

426. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

427. Paragraph 427 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

428. Defendant Gilbert denies that the Plaintiffs are entitled to any relief against him. Answering further, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph of the Amended Complaint.

429. Defendant Gilbert denies that Plaintiffs are entitled to injunctive relief against him.

430. Paragraph 430 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

**COUNT III: NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS  
(All Defendants)**

431. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 430 above and incorporates them by reference herein.

432. Paragraph 432 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

433. Paragraph 433 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

434. Paragraph 434 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

435. Paragraph 435 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

436. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

437. Defendant Gilbert denies that the Plaintiffs are entitled to any compensatory damages against him.

438. Paragraph 438 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

**COUNT IV: NEGLIGENCE  
(All Defendants)**

439. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 438 above and incorporates them by reference herein.

440. Paragraph 440 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

441. Paragraph 441 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

442. Paragraph 442 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

443. Paragraph 443 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

444. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

**COUNT V: NEGLIGENT HIRING  
(Defendant eBay)**

445. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 444 above and incorporates them by reference herein.

446. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

447. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

448. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

449. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

450. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

451. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

452. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

453. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

**COUNT VI: NEGLIGENT SUPERVISION**  
**(Defendants eBay, PFC, Wenig, Jones, and Krystek)**

454. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 453 above and incorporates them by reference herein.

455. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

456. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

457. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

458. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

459. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

460. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

461. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

462. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

463. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

464. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

465. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

466. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

467. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

468. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

469. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

470. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

471. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

**COUNT VII: NEGLIGENT RETENTION  
(Defendants eBay and PFC)**

472. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 471 above and incorporates them by reference herein.

473. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

474. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

475. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

476. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

477. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

478. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

479. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

480. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

481. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

482. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

**COUNT VIII: ASSAULT  
(All Defendants)**

483. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 482 above and incorporates them by reference herein.

484. Paragraph 484 sets forth legal conclusions to which no response is required.

485. Paragraph 485 sets forth legal conclusions to which no response is required.

486. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

487. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.



488. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

489. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

490. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

491. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

**COUNT IX: VIOLATION OF TITLE II, Ch. 12, § 11I  
(MASSACHUSETTS CIVIL RIGHTS ACT VIOLATION)  
(All Defendants)**

492. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 491 above and incorporates them by reference herein.

493. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

494. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

495. Paragraph 495 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

496. Paragraph 496 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

497. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

498. Paragraph 498 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

**COUNT X: DEFAMATION  
(All Defendants)**

499. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 498 above and incorporates them by reference herein.

500. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

501. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

502. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

503. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

504. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

505. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

506. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

507. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

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512. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

513. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

514. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

515. Paragraph 515 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

516. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

517. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

518. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

519. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

520. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

521. Paragraph 521 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

522. Paragraph 522 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

**COUNT XI: TRESPASS (PHYSICAL AND TRESPASS TO CHATTELS)  
(All Defendants)**

523. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 522 above and incorporates them by reference herein.

524. Paragraph 524 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

525. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

526. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

527. Paragraph 527 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

528. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

529. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

530. Paragraph 530 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

531. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

#### **COUNT XII: FALSE IMPRISONMENT**

532. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 531 above and incorporates them by reference herein.

533. Paragraph 533 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

534. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

535. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

536. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

537. Paragraph 537 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

538. Paragraph 538 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

539. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

540. Paragraph 540 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

541. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

542. Paragraph 542 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

543. Paragraph 543 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

544. Paragraph 544 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

**COUNT XIII: CIVIL CONSPIRACY  
(All Defendants)**

545. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 544 above and incorporates them by reference herein.

546. Paragraph 546 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

547. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

548. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

549. Paragraph 549 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

550. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

551. Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint as they may pertain to him.

552. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

553. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

554. Paragraph 554 sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant Gilbert denies the allegations contained in this paragraph of the Amended Complaint.

555. Defendant Gilbert is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of the Amended Complaint.

**COUNT XIV: RATIFICATION  
(Defendant eBay)**

556. Defendant Gilbert repeats and realleges his answers set forth in Paragraphs 1 through 544 above and incorporates them by reference herein.

557. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

558. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

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567. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

568. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

569. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

570. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

571. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

572. Defendant Gilbert is not responding to the allegations contained in this paragraph of the Amended Complaint because they do not pertain to him.

**DEMAND FOR A JURY TRIAL**

Defendant Gilbert hereby demands a trial by jury on all issues so triable.

**DEFENDANT GILBERT'S AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

The Amended Complaint fails to state a claim against Gilbert upon which relief may be granted because the allegations constitute an improper group pleading, which fails to place him on notice as to what specific conduct and damages are as attributed to him, and when and how such conduct occurred.

**Second Affirmative Defense**

The Amended Complaint fails to state a claim against Gilbert for intentional infliction of emotional distress upon which relief may be granted because the Amended Complaint does not sufficiently allege that Gilbert's conduct satisfies the elements of the cause of action.

**Third Affirmative Defense**

The Amended Complaint fails to state a claim against Gilbert for negligent infliction of emotional distress upon which relief may be granted because the Amended Complaint does not sufficiently allege that Gilbert's conduct satisfies the elements of the cause of action.

**Fourth Affirmative Defense**

The Amended Complaint fails to state a claim against Gilbert under the Massachusetts Civil Rights Act upon which relief may be granted because, among other things, it does not show that he interfered with Plaintiffs' exercise of a protected right, and that the interference was accomplished through threats, intimidation, or coercion by him.

**Fifth Affirmative Defense**

The Amended Complaint fails to state a claim against Gilbert for defamation upon which relief may be granted because, among other things, it does not show that he published a false and defamatory statement concerning Plaintiffs.

**Sixth Affirmative Defense**

The Amended Complaint fails to state a claim against Gilbert for trespassing upon which relief may be granted because, among other things, it does not show that members of the public are restricted from visiting Plaintiff's place of business.

**Seventh Affirmative Defense**

The Amended Complaint fails to state a claim against Gilbert for false imprisonment upon which relief may be granted because, among other things, it does not allege that Gilbert unlawfully restrained Plaintiffs' movements.

**Eighth Affirmative Defense**

The Amended Complaint fails to state a claim against Gilbert for civil conspiracy upon which relief may be granted because, among other things, the Amended Complaint concedes that Gilbert was acting within the scope of his employment at eBay and at its direction, and the damages the Plaintiffs allege they suffered did not result from the power exercised by Gilbert with other eBay employees.

**Ninth Affirmative Defense**

The Amended Complaint fails to state a claim against Gilbert for negligence upon which relief may be granted because the Amended Complaint does not sufficiently allege that Gilbert's conduct satisfies the elements of the cause of action.

**Tenth Affirmative Defense**

At all pertinent times, Gilbert was acting at the direction of his superiors at eBay, Inc., and therefore, any damages suffered by Plaintiffs should be attributed to eBay, Inc.

**Eleventh Affirmative Defense**

Gilbert reserves the right to raise all additional defenses that may become available to him during the pendency of the above-captioned action.

**WHEREFORE**, defendant Brian Gilbert respectfully requests that this Honorable Court enter judgment in his favor as to Counts I through XIV of the Amended Complaint and grant him such other and further relief as this Court deems just and proper.

Respectfully submitted,

BRIAN GILBERT

By: /s/ Douglas S. Brooks

Douglas S. Brooks (BBO No. 636697)

Jason M. Strojny (BBO No. 707774)

LIBBY HOOPES BROOKS & MULVEY, P.C.

260 Franklin Street

Boston, MA 02110

(617) 338-9300

[dbrooks@lhbmlegal.com](mailto:dbrooks@lhbmlegal.com)

[jstrojny@lhbmlegal.com](mailto:jstrojny@lhbmlegal.com)

Dated: January 12, 2024

#### **CERTIFICATE OF SERVICE**

The undersigned counsel certifies that this document was electronically filed with the Clerk of Court for the United States District Court for the District of Massachusetts using the CM/ECF system, which will send a notice of electronic filing (NEF) to all registered participants in the above-captioned action.

/s/ Douglas S. Brooks

Douglas S. Brooks